IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 22ND MARCH 2007 / 1ST CHAITHRA 1929

Crl.MC.No. 834 of 2007()

C.R.33/05 OF EXCISE RANGE OFFICE, NEYYATTINKARA

PETITIONER/ACCUSED 1 & 2:

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1. BABU, S/O.KARUNAKARAN, MEDAYIL VEEDU, MANGALATHUKONAM, THIRUVANANTHAPURAM.

2. SUKU, S/O.LOKESAN, LICENCEE T.S.NO.3/06-07 NEYYATTINKARA EXCISE RANGE, PARMEWARA VILASOM, PACHALLOOR POST OFFICE.

BY ADV. SRI.S.KRISHNAMOORTHY

RESPONDENTS/COMPLAINANT:

STATE OF KERALA REP. BY EXCISE INSPECTOR, NEYYATTINKARA EXCISE RANGE, THIRUVANANTHAPURAM BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 22/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.834 of 2007

Dated this the 22nd day of March 2007

O R D E R

The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that in the light of the decision in **State of Kerala and Others v. Unni and another** [2007(1) KLJ (S.C) 97], this prosecution in which the only allegation is that the percentage of Ethyl Alcohol in toddy exceeds the permissible figure cannot be sustained. This Criminal Miscellaneous Case is, in these circumstances, allowed. All proceedings in pursuance of Crime No.33 of 2005 of Neyyattinkara Excise Range against the petitioners are hereby quashed.

(R.BASANT, JUDGE)

jsr

// True Copy//

PA to Judge

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006